

REMARKS

Applicant acknowledges that claims 1-19 and 24 are withdrawn from further consideration as being directed to non-elected subject matter, and that claims 20-23 and 25-31 are now pending in the above-identified patent application.

Claim 20 was amended by introducing the following phrases (underlined):

“wherein each of said first and second sections comprises on its outer surface:

at least one staple comprising a mechanically compliant convex wall slanted in a direction opposite to a direction of insertion of the tubular member in said corrugated conduits through the open ends of said corrugated conduits toward the open end of the other of said first and second sections, and said mechanically compliant convex wall comprises

an elongated wall base connected to the outer surface of the tubular member;

a sloping convex surface, which slopes upward from the plane of the elongated wall base, for sliding over the annular peaks and valleys upon inserting the section of the tubular member in the corrugated conduit through the open end of said corrugated conduit”.

Support for these amendments may be found at page 2, lines 8-11, at page 6, lines 31-32, at page 7, lines 1-5 and in the figures, especially figures 1 and 2.

This claim was further amended by replacing the word “circuit” with “conduit”. The word “circuit” was inadvertently introduced in the initial set of claims and is an obvious error. Finally, the phrase “on its outer surface” was introduced following the expression “wherein each of said first and second sections comprises” in order to clearly identify the location of the features of the invention that are subsequently described in the claim.

Claims 29 and 30 were amended slightly for purposes of clarity. It is submitted that these claim amendments are fully supported by the specification and that no new matter has thereby been introduced.

Rejection of Claims 20-23, 25-27 and 31 under 35 U.S.C. 102(e)

The Examiner has rejected claims 20-23, 25-27 and 31 under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2004/0208728 A1 (Fattori *et al*).

As indicated above, claim 20 has been amended to include the following descriptions:

- 1) wherein each of said first and second sections comprises on its outer surface;
- 2) at least one staple comprising a mechanically compliant convex wall slanted in a direction opposite to a direction of insertion of the tubular member in said corrugated conduits through the open ends of said corrugated conduits; and
- 3) a sloping convex surface, which slopes upward from the plane of the elongated wall base.

It is believed that the introduction of these features should distinguish the invention of the present application from the cited prior art. In looking at the Fattori reference, it may be seen that the “resilient arms” of the fastener that is described in this reference are not comprised of mechanically compliant convex walls slanted in a direction opposite to a direction of insertion. In addition, the resilient arms are not located “on the surface” of the fastener in the way that the staples appear on the surface of the coupling of the present invention. Instead, they are cut out from the body of the fastener, or as stated in the reference itself, “formed in and extending from a sidewall of said [first or second] tubular portion toward an outer face of said flange” (see Claim 1, for example). Finally, the resilient arms do not have sloping convex surfaces as do the staples of the coupling of the present invention. This is because the fastener’s utility is different from that of the coupling of the present invention. The teachings of the Fattori reference therefore do

not assist in solving the problem that is solved with the present invention, namely to connect lengths of corrugated conduits.

Claims 21-23, 25-27 and 31 all depend either directly or indirectly from claim 20 and thus include this limitation as well. Consequently, it is submitted that the Fattori reference does not anticipate the rejected claims, and therefore withdrawal of the Examiner's objections under this head is respectfully requested.

Rejection of Claims 20-23 and 25-27 Under 35 U.S.C. 102(b)

The Examiner has also rejected claims 20-23 and 25-27 under 35 U.S.C. 102(b) as being anticipated by US Patent No.4,711,472 (Schnell).

The teachings in the Schnell patent are considerably different from those of the present application. For example, Schnell describes a connector for "firmly engaging the exterior annular ribs on non-metallic conduit". In contrast to this, the coupling of the present application is inserted within the conduits that are to be joined, and the mechanism for doing so is not taught by Schnell. Other differences may be cited: see, for example, the passages at lines 49-66 of Column 2 or lines 45-60 of Column 3 of the Schnell patent. However, in light of the current claim amendments, the Examiner is simply referred to the arguments concerning the features of the coupling of the present invention which are presented above in relation to the claim rejections pursuant to § 102(e).

Withdrawal of the claim rejections under this head is therefore respectfully requested.

Rejection of Claims 28-30 Under 35 U.S.C. 103(a)

The Examiner has further claims 28-30 under 35 U.S.C. 103(a) as being unpatentable over Fattori *et al.*

In relation to claim 28, Applicant submits that it would not have been obvious to one of skill in the art to add tabs projecting radially based on the teachings of Fattori. The invention described in Fattori does not lend itself to the addition of tabs, and there would be no reason for doing so. Applicant therefore requests that the above objection be withdrawn in respect of claim 28.

Similarly, in relation to claims 29 and 30, Applicant submits that it would not have been obvious to one of skill in the art to add axial ribs of guidance based on the teachings of Fattori. With respect, element 92 of the Fattori invention is not an axial rib of guidance, nor is it an equivalent thereof. As described at paragraph 0053 of page 5 of Fattori, element 92 is a “protrusion” whose purpose is to fix the fastener of invention in place and prevent any rotational movement when the fastener is positioned within an aperture. The protrusion 92 is effectively a locking means, whereas the axial ribs of guidance of the present invention do not perform this function. The axial ribs of guidance are there to help with the positioning of the staples of the present invention, which act as fasteners.

In light of the above claim amendments and remarks, favourable reconsideration of the present application is requested.

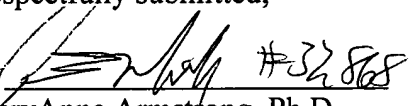
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$510.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this reply to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: October 27, 2005

Respectfully submitted,

By  #32868
c MaryAnne Armstrong, Ph.D.
Registration No.: 40,069
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

